

IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
DEARBORN RIVER BASIN (41U)
PRELIMINARY DECREE

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CLAIMANTS: Dearborn Information Services; Tani E.
Converse; Joseph G. Campbell; Diamond
Bar X Montana Limited Partnership

CASE 41U-0123-R-2023
41U 123419-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. Claim 41U 123419-00 is the only claim in Case 41U-0123-R-2023.

2. Dearborn Information Services, Tani E. Converse, Joseph G. Campbell, and Diamond Bar X Montana Limited Partnership (Diamond Bar X) are the present record owners of claim 41U 123419-00.

3. Claim 41U 123419-00 was decreed with the following DNRC issue remark:

ON 3/11/1985, AFTER ISSUANCE OF THE TEMPORARY PRELIMINARY DECREE, THE DNRC NOTIFIED THE WATER COURT OF A POTENTIAL ISSUE WITH THE SOURCE NAME FOR THIS CLAIM. THE ELEMENT IS BEING ADDED TO THE OBJECTION LIST AND WILL BE ADDRESSED DURING ADJUDICATION OF THE PRELIMINARY DECREE.

All DNRC issue remarks must be addressed.

4. Claim 41U 123419-00 was decreed with the source listed as “Spring, Unnamed Tributary of Dearborn River.” Based on information in the record, it appears the source should be corrected to “Spring, Unnamed Tributary of Falls Creek.” Additionally, redundant source names were added to claim 41U 123419-00. Based on available information, it appears the only source name decreed on claim 41U 123419-00 should be: “Spring, Unnamed Tributary of Falls Creek.”

5. An Order was issued setting a deadline for Dearborn Information Services, Tani E. Converse, Joseph G. Campbell, and Diamond Bar X to file a statement agreeing or disagreeing that the source name for claim 41U 123419-00 be corrected to “Spring, Unnamed Tributary of Falls Creek.” The Order Setting Filing Deadline indicated that if nothing were filed by the deadline, this Water Master would conclude the Claimants agree the source name for claim 41U 123419-00 should be corrected to “Spring, Unnamed Tributary of Falls Creek.” The Order included the following language:

Failure to comply with the terms of this Order may result in sanctions, up to and including entry of default and termination of a water right claim or dismissal of objections. Rule 22, W.R.Adj.R.

6. On March 20, 2023, Tani E. Converse filed the following statement:

From: dearborn@rivers.net March 20, 2023
To: [Watercourt \(Bozeman\): Joseph@attorneysvillemt.com; wlrider@centurylink.net; timbo.mohrney@gmail.com](mailto:Watercourt@Bozeman.com)
Subject: [EXTERNAL] Water Right Changes & Case 41U-0123-R-2023
Date: Monday, March 20, 2023 10:26:14 AM Montana Water Court

To: Montana Water Court
Subject: Water Right Changes & Case 41U-0123-R-2023

I am writing in response to your 2/28/23 notice of Dearborn River Basin (41U) Preliminary Decree Case 41U-0123-R-2023 requesting correction of ownership for water rights 41U 123419-00.

My company, Dearborn Information Services, LLC sold property, including some of my recorded water rights to Rider Courts, LLC June 1, 2022. I recently discovered that the Water Right Ownership Update as part of the closing erroneously transferred the wrong water right. Joe Passamani, with Attorney Title Company, who handled the closing will be contacting DNRC and making the following correction:

1. The subject water right #41U 123419-00 for the main spring on the property purchased by Rider's June 1, 2022, should have been transferred to Rider Court, LLC.
2. Water right #41U 30129897 which is on Joslin creek on property that I still own was transferred during the closing, but should have been retained by myself, Tani E. Converse and my business, Dearborn Information Services, LLC and NOT transferred to Rider Court, LLC.

In addition, my husband has not owned any land, nor has he had any interest in Dearborn Information Services, LLC since 2016. His name, Joseph G. Campbell, should be removed from your state records for all my water rights within the Falls Creek, Joslin Creek and Dearborn River drainages. Please let me know if there are any other actions needed to make the above corrections.

Thank you,
Tani E. Converse
PO Box 509 Augusta, MT 59410

CC:
Rider Courts, LLC
PO Box 1
Manhattan, MT 59714

Diamond Bar X Montana Limited Partnership
26 Pebble Dunes CT
Las Vegas, Nevada 89141-6069

A copy of the March 20, 2023 statement was not served on Diamond Bar X's counsel. However, it was served on Rider Courts, LLC.

Ownership updates, including removing co-owners of claims, should be made with the DNRC. Mrs. Converse already indicated that Joe Passamani will contact the DNRC to update ownership on behalf of Rider Courts, LLC. **Mrs. Converse and Mr. Campbell should contact DNRC to address any other outstanding ownership issues.**

The March 20, 2023 filing did not address the source name issue for claim 41U 123419-00.

7. On March 22, 2023, Diamond Bar X filed a statement agreeing the source name for claim 41U 123419-00 should be modified to “Spring, Unnamed Tributary of Falls Creek.”

PRINCIPLES AND CONCLUSIONS OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

The information in the record supports changing the source name for claim 41U 123419-00 from “Spring, Unnamed Tributary of Dearborn River” to “Spring, Unnamed Tributary of Falls Creek.”

2. Pursuant to Rule 22, W.R.Adj.R., if a claimant, objector, or intervenor fails to appear at a scheduled conference or hearing or fails to comply with an order issued by the Water Court, the Water Court may issue such orders of sanction with regard thereto as are just.

RECOMMENDATIONS

1. The source name for claim 41U 123419-00 should be changed from “Spring, Unnamed Tributary of Dearborn River” to “Spring, Unnamed Tributary of Falls Creek.”

2. The issue remark should be removed from the claim.

A Post Decree Abstract of Water Right Claim is served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

Dearborn Information Services
Tani E. Converse
Joseph G. Campbell
P.O. Box 509
Augusta, MT 59410-0509

Diamond Bar X Montana Limited Partnership
26 Pebble Dunes CT
Las Vegas, NV 89141-6069
(Last Order)

Rider Courts, LLC
P.O. Box 1
Manhattan, MT 59714
(Potential Owner)

Service Via Electronic Mail:

Dana Pepper
Bina Peters
River and Range Law, PLLC
PO Box 477
Bozeman, MT 59771
(406) 599-7424
bina@riverandrangelaw.com
dana@riverandrangelaw.com
office@riverandrangelaw.com

Service List Updated: 4/3/2023

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
DEARBORN RIVER
BASIN 41U**

Water Right Number: 41U 123419-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners:

DEARBORN INFORMATION SERVICES

PO BOX 509

AUGUSTA, MT 59410 0509

TANI E CONVERSE

PO BOX 509

AUGUSTA, MT 59410 0509

JOSEPH G CAMPBELL

PO BOX 509

AUGUSTA, MT 59410 0509

DIAMOND BAR X MONTANA LIMITED PARTNERSHIP

26 PEBBLE DUNES CT

LAS VEGAS, NV 89141 6069

Priority Date: JULY 1, 1928

Type of Historical Right: USE

Purpose (use): COMMERCIAL

Purpose Clarification: DIAMOND BAR X RESORT RANCH

Flow Rate: 50.00 GPM

Volume: 23.00 AC-FT

Source Name: SPRING, UNNAMED TRIBUTARY OF FALLS CREEK

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWSE	34	18N	7W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

2		NENWSE	34	18N	7W	LEWIS AND CLARK
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: FLOWING

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENW	34	18N	7W	LEWIS AND CLARK